

Appl. No. 10/808,626  
Reply to OA of 9/28/05

## **REMARKS**

### **Summary of the Amendment**

Upon entry of the present Amendment, Claims 1-12 will have been amended, Claims 13-21 will have been canceled, and Claims 22-25 will have been added. Accordingly, Claims 1-12 and 22-25 remain pending in the present application. By the present Amendment and Remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

### **Summary of the Office Action**

In the subject Office Action, the Examiner rejected claims 1-21. Specifically, the Examiner rejected claims 1-3, 5-9, 11-18, 20 and 21 under 35 U.S.C. 102(b) as being anticipated by Nakajima (US 5,966,555). Furthermore, the Examiner rejected claims 4, 10, and 19 under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Onuki (US 6,463,240).

### **Traversal of Rejection under 35 U.S.C. § 102(b)**

Applicant respectfully traverses the rejection of Claims 1-3, 5-9, 11-18, 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,966,555 to Nakajima et al. (hereinafter "NAKAJIMA").

The Examiner submits that NAKAJIMA discloses all the elements of the claims. In particular, the Examiner states "Nakajima et al teaches the method and image formation apparatus as claimed including ... a receiving unit (CPUs 301-304) receiving information on said sheet feeding interval from said sheet supplying device; wherein said sheet transporting unit, responsive to said information on said sheet feeding interval, transports said sheets at said sheet feeding interval ... See Figs. 1-42, column 3, lines 14-50 and column 23, line 55 through column 25, line 59..."

### ***A Review of NAKAJIMA***

Nakajima teaches that the sheet supplying devices 81a, 81b have sensors for determining remaining number of sheets. CPU 304 then determines whether the number of sheets required

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for the job is greater than the detected remaining number of sheets. If not, the CPU 304 controls/delays the interval of outputting the remaining sheets.

*Independent Claim 1*

Applicant's independent Claim 1 as amended recites, *inter alia*, ... a control unit setting a sheet transporting interval in the sheet transporting unit based on sheet interval information according to an amount of sheets in the sheet feeding unit, wherein the control unit sets an image forming interval on the transfer member according to the sheet interval information.

On the other hand, NAKAJIMA does not teach the aforementioned features. Rather, NAKAJIMA discloses an image forming apparatus which detects the remaining number of stored sheets in a paper feeding cassette and then compares the number of sheets necessary for outputting a printing job and the remaining number of sheets in a paper feeding cassette. If the remaining number of sheets in a paper feeding cassette is smaller than the necessary number of sheets for printing, the sheet feed interval is prolonged. NAKAJIMA increases the possibility for the operator to replenish sheets in the cassette by postponing the occurrence of a paper empty state by prolonging the interval of feeding the sheets when the remaining number of sheets in a paper feeding cassette becomes smaller than the necessary number of sheets for printing.

For the foregoing reasons, because NAKAJIMA fails to disclose the above-noted features of the present invention, Applicant submits that NAKAJIMA fails to disclose each and every feature of the present invention as recited in Independent Claim 1.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b) and that the rejection of Independent Claim 1 is improper and should be withdrawn.

*Dependent Claims 2, 3, 5 and 6*

Applicant further submits that dependent Claims 2, 3, 5 and 6 as amended are allowable at least for the reason that these claims depend from allowable independent Claim 1 and because these claims recite additional features that further define the present invention.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b) and that the rejection of dependent Claims 2, 3, 5 and 6 is improper and should be withdrawn.

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*Independent Claim 7*

Since amended Claim 7 includes the same aforementioned features of Claim 1 (i.e., a setting step of setting an image forming interval on a transfer member based on the sheet interval information received in said receiving step), Applicant further submits that Claim 7 is allowable because NAKAJIMA fails to disclose the above-noted features of the present invention and that NAKAJIMA fails to disclose each and every feature of the present invention as recited in Claim 7.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b) and that the rejection of Claim 7 is improper and should be withdrawn.

*Dependent Claims 8, 9, 11 and 12*

Applicant further submits that dependent Claims 8, 9, 11 and 12 as amended are allowable at least for the reason that these claims depend from allowable independent Claim 7 and because these claims recite additional features that further define the present invention.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b) and that the rejection of dependent Claims 8, 9, 11 and 12 is improper and should be withdrawn.

*Claims 13-18, 20 and 21*

Applicant has canceled Claims 13-18, 20 and 21. As such, Applicant submits that this rejection is now moot with respect to these claims. Accordingly, Applicant requests that the Examiner withdraw such rejection with respect to these claims.

*Claims 22-25*

Applicant added Claims 22-25. These claims are supported by the specification and drawings, and no new matter has been introduced. Since new Claims 22-25 include the same aforementioned features of Claim 1, Applicant submits that Claims 22-25 are not anticipated by NAKAJIMA because NAKAJIMA fails to disclose the above-noted features of the present

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invention and that NAKAJIMA fails to disclose each and every feature of the present invention as recited in Claims 22-25.

#### **Traversal of Rejection under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of Claims 4, 10 and 19 under 35 U.S.C. § 103(a) as being unpatentable over NAKAJIMA in view of U.S. Patent No. 6,463,240 to Onuki et al. (ONUKI).

Applicant submits that NAKAJIMA in view of ONUKI does not teach *inter alia*, a control unit setting a sheet transporting interval in the sheet transporting unit based on sheet interval information according to an amount of sheets in the sheet feeding unit, wherein the control unit sets an image forming interval on the transfer member according to the sheet interval information.

Since NAKAJIMA in view of ONUKI fail to disclose the above-noted features of the present invention, Applicant submits that the references fail to disclose each and every feature of the present invention as recited in Claims 4 and 10.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support a rejection under 35 U.S.C. § 103(a) and that the rejections of Claims 4 and 10 are improper and should be withdrawn.

With respect to Claim 19, since this claim was canceled, Applicant submits that this rejection is now moot. Accordingly, Applicant requests that the Examiner withdraw this rejection with respect to this claim.

With respect to Claims 22-25, since new Claims 22-25 include the same aforementioned features of Claim 1, Applicant submits that Claims 22-25 are not rendered obvious by NAKAJIMA in view of ONUKI because these references fail to disclose the above-noted features of the present invention and that these references fail to disclose each and every feature of the present invention as recited in Claims 22-25.

#### **Application is Allowable**

Applicant respectfully submits that each and every pending claim on the present invention meets the requirements for patentability and respectfully requests the Examiner to indicate allowance of such claims.

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### Conclusion

In view of the foregoing, it is submitted that none of the references of record anticipate or render obvious the Applicant's invention as recited in Claims 1-12 and 22-25. The applied reference of record has been discussed and distinguished, while the significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account No. 502456.

Respectfully submitted,



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